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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,258	07/08/2003	Bruno Walter	L305 0003	5971
720	7590	04/28/2004	EXAMINER	
OYEN, WIGGS, GREEN & MUTALA			TSAY, FRANK	
480 - THE STATION				
601 WEST CORDOVA STREET			ART UNIT	PAPER NUMBER
VANCOUVER, BC V6B 1G1			3672	
CANADA			DATE MAILED: 04/28/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/614,258	WALTER, BRUNO
	Examiner	Art Unit
	Frank S Tsay	3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 08 July 2003.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5 and 8-19 is/are rejected.  
 7) Claim(s) 6 and 7 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 08 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 7/8/03.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-18 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

Claims 13-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. A further evaluation of the merits of these claims is delayed pending applicant's revision.

### ***Claim Objections***

Claim 11 is objected to because of the following informalities: The language "at the point of reduced pressure pressure" appears to be in typographical error. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8-12, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldstein (US 5,950,736).

Goldstein discloses a method and apparatus for improving drilling efficiency which basically comprises everything including a drill string, a mud pump 10, a main conduit 18 carrying mud toward the drill string, a pulse generator 16 located at surface for generating pressure pulses. The high intensity pressure pulses is met by the fact that the pulses generated by a gas chamber 24 shown in Fig. 4, which is used to provide a series of ramped pressure pulses resulting in a maximum compressed pressure pulse of a type shown in Fig. 3 at drilling head 14 (col. 4, lines 44-60). The pulse transmission means is met by out let 32 of the traveling wave generator 14 illustrated in Fig. 4, for transmitting high intensity pulses into the mud pumped toward the drill string. The nozzles in the drill bit is anticipated by the fluid jet 22 which is known to the drilling art. The step of operating a downhole tool is anticipated by col. 4, lines 24-34, where the downhole tool includes a drill string, a fluid jet and a drilling head 14. The step of forcing a portion of the drilling string including the drill bit suddenly downward is anticipated by col. 2, lines 38-49, where the pulse generating system causes a shock wave at the drill bit is maintained above the surface of the drilling substrate similar to that of top hammer system. The pulse generating system of Goldstein is also anticipated to be periodic in nature as being clearly shown in Fig. 5. The step of diverting a portion of a main flow of drilling mud from a mud pump to the drill string fails to distinguish from the system shown in Fig. 1 of Goldstein, in that the mud flow into the drill string clearly consist of a portion from the mud pump and additional

portion from the generator. The step of returning mud to mud tank is a well known engineering practice and fails to constitute a patentable distinction. The step of providing a point at which hydrostatic pressure of the drilling mud flowing toward a drill string is reduced is anticipated by Fig. 4, where the mud 26 flowing through the nozzle-like structure 32 is anticipated to create a hydrostatic pressure drop at its exit. The jet pump of claim 12 again fails to distinguish from the nozzle-like structure 32 of Fig. 4.

***Allowable Subject Matter***

Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Varley, Richter et al, Jeter, Rountree et al, Moriarty, Krueger et al and Carstensen all show pulse generating devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank S Tsay whose telephone number is (703) 308-2170. The examiner can normally be reached on Monday thru Friday, 7:30am-5:00 pm, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J Bagnell can be reached on (703)308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Frank S Tsay  
Primary Examiner  
Art Unit 3672

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